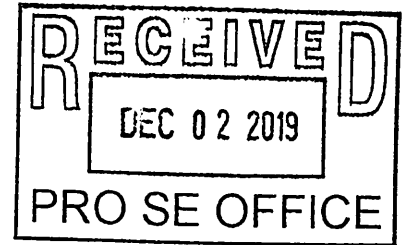


ORIGINAL

December 1, 2019

Hon. Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201



United States Magistrate Judge Bloom  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Capogrosso v. Gelbstein et al, No. 18-cv-2710 (E.D.N.Y.)  
Letter Seeking Entrance to DMV TVB and my Statement on Key Issues

Judge Brodie

Judge Magistrate Bloom:

**Representations of Attorney James Thomson of November 27, 2019**

In coming attorney in the aforementioned matter, James Thomson, seeks a 14 day extension of time to file an Answer to my Complaint and provide his initial disclosures.

In response thereto, on Wednesday November 27, 2019, I received a phone call from attorney Thomson. In such initial conversation, attorney Thomson only indicated he sought a 14 day extension to file his initial disclosure. I consented to such a request as long as I would be given the same extension of time.

Thinking to myself, I called back attorney Thomson and asked whether he was seeking simply an extension of time to file initial disclosures or to answer my complaint. At which attorney Thomson indicated he was seeking both an extension of time to answer my complaint as well as file his initial disclosures. I replied – why was this not represented to me initially. Attorney Thomson hesitated and stated only “well the Order states both”.

At which point I made my position very clear,

I had no objection to an extension of time to file initial disclosures but objected to an extension of time to file his Answer to my Complaint. The Court, Judge Magistrate Bloom, was adamant at our conference on November 14, 2019 that she would not allow an extension of time for the State defendants to file their Answer.

RD 12/2/19  
J.B.

As such I opposed, and in compliance with the Court's Order, I objected to the State's Attorney request to an extension of time to file their Answer.

Most importantly to me, with respect to the above misrepresentation of attorney Thomson with respect to what matters he was seeking an extension of time in our first phone conversation, I am tired of lying lawyers at the DMV. It might be a novel approach, but I would ask attorney Thomson to be truthful with any and all representations made to me concerning my Complaint and would ask this Court to admonish accordingly.

**My request that I be allowed to appear at the Brooklyn South TVB and any and all TVB offices and locations to perform Discovery**

In my second phone conversation on November 27, 2019 with attorney Thomson, I asked whether I would be prohibited from going to the Brooklyn TVB to gather information with respect to not only my initial disclosures but as well as any and all discovery which I must undertake with respect to my Complaint.

Attorney Thompson stated he did not think the DMV would allow me admission to the DMV perform such discovery. I do remind this Court that on J. Magistrate's Bloom's first order to me in August 2018 to perform initial disclosures, I was denied entry by the DMV. Discovery was ordered to be stayed until a ruling on the State defendant's motion to dismiss. I now must revisit this issue. I have survived the State's motion to Dismiss and I must be allowed access to the DMV to conduct discovery as well as provide my initial disclosures. I need a Court Order or clarification in regards hereto. May I receive one.

**With respect to the initial conference of November 14, 2019, I must respond to certain issues,**

**a) Out going attorney M. Siegmund representation that a stipulation or agreement was entered into between myself and the DMV**

This is a misrepresentation by this lawyer, lying lawyers, my personal opinion (First Amendment to our US Constitution) indicative of the DMV though. No stipulation was entered into. I attach the letter M. Siegmund is referring to as Exhibit A. This letter does not bear my signature. This letter was thrown at me several days before I was to go back to the DMV TVB to practice law. I agreed to nothing with the DMV in settlement to my Article 78 proceeding but to take an anger management course. Which I took and completed. I agreed to nothing else, **though I have faithfully abided by all conditions as set forth in such letter, annexed as Exhibit A.**

Once again, lying representation from lawyers at the DMV. I have signed more than several stipulations since leaving the DMV TVB in May of 2015 and all such stipulations and agreements bear the signature of both parties. So, Attorney M. Siegmund's representation that this was a stipulation is a lie, falsehood, misrepresentation – however this Court wants to characterize it – it is not the truth. I agreed only to take an anger

management course, and such course was taken because Yakov Brody told me to “go F--- myself, I am a Jew hater anti-Semite” not once but twice, and I reacted and such statement in my opinion was made because I am an Italian American making too much money in his presence. Once again let the Court look at all the affidavits submitted against me, there is not one motorist or client complaint that I made anti Semitic or racist remark or comment.

**b) J. Magistrates Bloom insistence that I take depositions**

I have read the Court order of November 14, 2019 and it states the “parties may conduct depositions.”

As such I see no requirement that I do so. I will depose Defendant Smart and try to get the truth out of him, however at this point in time, **and though I still reserve my right to do so**, I choose not to waste one dollar on a group of lying lawyers, Defendant Gelbstein, and what is now witness Vahdat, (though I do not know how Defendant Traschen will testify), who are already fabricating stories in response to my questions, my opinion (our First Amendment).

The record is replete with the lies of Defendant Gelbstein – “He states I called him a beanie wearing kike.” Yet does not document when it was made and who corroborates it and he file no grievance or report concerning it. So either he is a lying a lawyer or and administrative law judge not doing his job. I would emphatically state it is the former.

He states I stated to him “I threw a punch at attorney Jeff Meyers face” Once again a lying lawyer. **He gives me no opportunity to write my affidavit** as to any such occurrence. Once again a lying lawyer who had an agenda and wanted me out of the DMV TVB.

With respect to Defendant, now witness Vahdat, she states if “I did not hit a wall I would hurt someone.” Once again a lying lawyer, I do not know the worst criminal in the world who would ever make such a statement to a judge. A sorry excuse for a lawyer as well as an administrative law judge, newly admitted when these complaints arose against me and my office, who gave everybody in the world the right to write an affidavit and gave me no opportunity to state my position. A sorry excuse for a lawyer as well as a judge who thought more of her time in Martha Vineyards than her actions as a judge. A newly admitted administrative law judge who needed to make a name for herself at my expense. My opinion (our First Amendment).

Once again, I do not want to waste one dollar on such lying lawyers at depositions **but will reserve my right to do so**. I would prefer rather to question such defendants directly before a Brooklyn jury, if given my day in your Court.

**c) J. Magistrates' Bloom's statement that I needed additional discovery to survive a Motion for Summary Judgment**

Outgoing attorney M. Siegmund has turned his Motion to Dismiss into a Motion to for Summary Judgement. Attorney Siegmnd has presented fact after fact to this Court, and I have survived such a motion. There are really no new facts to present, so why I should not survive any additional motion to come, I cannot fathom. But whatever comes my way I will deal with it.

**c) My statement to J. Magistrate Bloom that I did not want to go back to the DMV**

I have to make it very clear to this Court, I don't want to go back to this tribunal, the DMV TVB, at this point in time, (I'd rather pump gas for a living,) but I must have the ability to do so. I must be given the opportunity to clear my name, and I ask this Court, once again for a ruling on this matter as stated in my Complaint for prospective injunctive relief.

**d) Defendant Smart states that I threw a punch at him on May 11, 2015**

First, I apologize to this Court in response to my utterance in J. Magistrate's Bloom's courtroom when Defendant Smart stated I threw a punch. But I ask this Court to look at the police report as provided by M. Siegmund and to which Defendant Smart refers. Such police report was filed by Defendant Smart and it indicates that the Police did not arrest me because no punch was thrown at Defendant Smart.

As such Defendant Smart is lying when he sates a punch was thrown. There is no other way of saying it.

Again what did happen, Defendant Smart approached me on the morning of May 11, 2015 in a violent and aggressive manner, and not for the first time. At which point, I put my hand up in an open palm position and told him to "Back up back up."

**d) J. Magistrate Bloom indicates that an investigation was being made concerning the Brooklyn TVB**

I stated to J. Magistrate Bloom matters I saw and heard for ten years while I was at the Brooklyn TVB, they being, 1) Defendant Gelbstein states " How do I get a piece of the action, 2) Defendant Gelbstein has lunch with Jewish ticket brokers yet he doesn't not know what they do for a living, 3) when I call the District Attorney concernng a woman continuing to represent herself as an attorney in his Court, and she is then removed, Defendant Gelbstein's only reply to me is "Who are you Don Quixote", 4) I see Defendant Gelbstein rescheduling and pleading other motorist tickets on a side bar before another administrative law judge in the General Requirements Room at the Brooklyn TVB, 5) when I have a conflict with another attorney concerning a ticket both of us put in a courtroom to be heard, his response is that "I am covering the case for Gelbstein", 6) when I have a

conflict with Yakov Brody when all I say to this attorney was “excuse me can I get my coffee’ Defendant Gelbstein refuses to take my affidavit as to what happened, and 8) when I report the theft of 80 dollars on a 150 fee by Defendant Smart, an investigation is made, and Defendant Smart is allowed to remain and then harass me for making such a report his only response to me is to laugh and giggle and tell me “a spade is a spade.”

Now J. Magistrate Bloom tells me an investigation is being done. Well I would state in response, when I made such complaints to the Inspector General’s Office, see letter attached as Exhibit B, the Inspector General’s Office refuses to make any investigation. I ask the Court to reference the letter annexed as Exhibit B.

**e) My claim against PEC Group**

J. Magistrate Bloom asks on what basis I have a claim against PEC Security, the employer of Defendant Smart. This is a state pendent claim for negligent supervision attached to a federal complaint. I believe, for judicial economy, I am allowed to do so. In fact, J. Brodie has allowed such a claim, why J. Magistrate Bloom is opposing this claim I don’t know, but I will deal with it as needed. This is a state pendent claim based in negligence attached to a federal complaint.

The basis of such complaint, I call Scott Benish a representative of PEC Security concerning the harassment of Defendant Smart after I reported his theft of 80 dollars on a 150 dollar fee. PEC Security failed to take any action in response. Scott Bensih only statement to me was “They love Smart here at the DMV and if we let him go he will only get picked up somewhere else.” This is a state claim in negligence attached to a federal complaint arising from the same set of facts concerning the federal complaint.

**f) J. Magistrate Bloom’s concern for my health**

I thank the Court for its concern for my health, however, as I have made it very clear my name and reputation as an attorney are more important to me than my health.

So if my health suffers for doing the right thing, then so be it, let my health fail, I will continue to do the next right thing.


So I will continue to say excuse me when I am reaching for my coffee, and if I have to be told “go excuse yourself go f\_\_\_ yourself” well then so be it, let my health fail.

Or if I have to complain to the District Attorney concerning a woman calling herself a lawyer who is not, and she is removed, who never took a bar exam, who did not go into debt for 100 k in order to pay for it, who did not sit through 4 years of law school at night but is getting to call herself a lawyer in Defendant’s Gelbstein courtroom, and Defendant Gelbstein’s only statement to me is “Who are you Don Quixote” then so be it, let my health fail.

Or if I report a theft of 80 dollars on a 150 fee by Defendant Smart where he admits to taking such a fee and then such defendant begins to harass and the only response from Defendant Gelbstein is to laugh and giggle and state "a spade is a spade" then let my health fail, I will continue to do the right thing.

And if I state of the actions of Defendants Gelbstein and Vahdat, as shown above, that I saw, heard, and experienced - for the ten years I worked in this Court and have to deal with the ramifications of such lawyers giving me no opportunity to respond to any affidavits or complaint about me, because such defendants wanted me out of the TVB, well so be it, let my health fail. I will continue to do the right thing, I took an oath to that effect, when I got sworn into the bar, I think we all did.

Respectfully truthfully stated and requested,

  
\_\_\_\_\_  
Mario H. Capogrosso

12/2/19

## **EXHIBIT A**





STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

KENT T. STAUFFER  
EXECUTIVE DEPUTY ATTORNEY GENERAL  
DIVISION OF STATE COUNSEL

LISA R. DELL  
ASSISTANT ATTORNEY GENERAL IN CHARGE  
LITIGATION BUREAU

By E-Mail and First Class Mail  
Jacqueline A. Rappel, Esq.  
McDonough & McDonough, LLP  
401 Franklin Avenue, Suite 210  
Garden City, New York 11530

June 20, 2012

Re: Capogrosso v. State Dep't of Motor Vehicles, Index No. 7738/2012

Dear Jackie:

We write on behalf of the New York State Department of Motor Vehicles ("DMV") in response to your e-mail dated June 15, 2012, with attached certification of Dr. John T. McCann, and to advise you that Mr. Capogrosso may appear on behalf of his clients at Traffic Violation Bureau ("TVB") offices as of June 27, 2012.

Please be advised that if and when Mr. Capogrosso appears at a TVB office, he must strictly adhere to the standards of conduct required of attorneys appearing before State courts. Threatening conduct by Mr. Capogrosso, verbal threats of physical violence, and verbal abuse including the use of ethnic slurs will not be tolerated. DMV reserves all rights to respond to future misconduct including, if warranted, by immediately and permanently barring Mr. Capogrosso from appearing on behalf of DMV licensees at TVB offices.

Very truly yours,

  
SERWAT FAROOQ  
Assistant Attorney General



## **EXHIBIT B**



STATE OF NEW YORK  
OFFICE OF THE INSPECTOR GENERAL

EMPIRE STATE PLAZA  
AGENCY BLDG. 2, 16<sup>TH</sup> FLOOR  
ALBANY, NEW YORK 12223  
(518) 474-1010

61 BROADWAY, SUITE 2100  
NEW YORK, NEW YORK 10006  
(212) 635-3150

Catherine Leahy Scott  
ACTING INSPECTOR GENERAL

65 COURT STREET, 5<sup>TH</sup> FLOOR  
BUFFALO, NEW YORK 14202  
(716) 847-7118

Mario H. Capogrosso, Esq.  
245 Saw Mill River Road, Suite 106  
Hawthorne, NY 10532

Dear Mr. Capogrosso,

July 18, 2012

NYSIG # 0734-014-2012

The Office of the State Inspector General is in receipt of your letter dated June 14, 2012.

Please note, pursuant to Article 4-A of the New York State Executive Law, the Inspector General has the authority to investigate allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in State executive branch agencies, departments, divisions, officers, boards and commissions, public authorities and public benefit corporations, the heads of which are appointed by the governor.

Due to the fact that you are currently involved in litigation with Ms. Bushra Vahdat, this Office will not take investigative action at this time.

Thank you for your letter.

Very truly yours,

*Leslie M. Arp*

Leslie M. Arp  
Deputy Chief & Confidential Investigator  
Case Management Unit

LMA / am